

TRANSMITTAL LETTER
(General - Patent Pending)

Docket No. **1641.00005**

In Re Application Of: **Bror H. Hanson**

Application No.
09/954,899

Filing Date
September 18, 2001

Examiner
E. Tsoy

Customer No.
010534

Group Art Unit
1762

Confirmation No.
8597

Title: **MOLD-RELEASE COATING SYSTEMS**

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

Reply Brief (in triplicate).

in the above identified application.

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Daniel H. Bliss
Bliss McGlynn, P.C.
2075 West Big Beaver Road, Suite 600
Troy, Michigan 48084
(248) 649-6090

Dated: **June 1, 2005**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Art Unit: 1762)
Examiner: E. Tsoy)
Applicant(s): Bror H. Hanson)
Serial No.: 09/954,899)
Filing Date: September 18, 2001)
For: MOLD-RELEASE COATING SYSTEMS)



REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

This Reply Brief is directed to points of argument raised in the Examiner's Answer dated April 1, 2005 for the above-identified application. On page 9 of the Examiner's Answer, the Examiner asserts that the rejection of claims 11, 12, 15, and 16 under the judicially created doctrine of obviousness type double patenting based on claims 1 through 4, 6, 8, and 12 of U.S. Patent No. 6,291,026 to Hanson et al. in view of the disclosure of U.S. Patent No. 5,294,251 to Urena is proper. In addition, on page 9, the Examiner asserts that the rejection of claims 11, 12, 15, and 16 of the present application under the judicially created doctrine of obviousness type double patenting based on claims 1 through 4, 6, 8, and 9 of the U.S. Patent No. 6,117,495 to Hanson et al. in view of the disclosure of Urena '251 patent is also proper. Further, on page 11, the Examiner asserts that since Urena '251 teaches that the only essential ingredients of its composition are wax and solvent, the range of 5-15 wt % weight corresponds to 5-15 wt % wax solids.

CERTIFICATE OF MAILING: (37 C.F.R. 1.8) I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service with sufficient postage as First Class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on June 1, 2005, by Daniel H. Bliss
Daniel H. Bliss

Applicant respectfully disagrees with the Examiner as to the above arguments.

No Obviousness-Type Double Patenting of the Claims

As to the first argument, it is noted that, while Hanson et al. '026 claims providing a base coat of material on the mold surface having a surface which is capable of accepting and retaining a release powder, and depositing a release powder onto the coating of material to become embedded upon deposition forming a mold-release coating, Hanson et al. '026 does not claim a coating of a substantially liquid wax material, wherein the wax material includes about 7 to about 10 weight percent solids, permitting wax material to substantially dry after application onto a mold surface, and applying the release powder onto the barrier coating after the wax material has been permitted to substantially dry after application onto the mold surface. In addition, while Urena '251 teaches microcrystalline paraffin wax dispersed in a solvent, Urena '251 does not teach or suggest a coating of a substantially liquid wax material, wherein the wax material includes about 7 to about 10 weight percent solids, permitting wax material to substantially dry after application onto a mold surface, and applying the release powder onto the barrier coating after the wax material has been permitted to substantially dry after application onto the mold surface. In Urena '251, the melted paraffin wax is poured quickly into the solvent and therefore the wax is a liquid, not including 7 to about 10 weight percent solids. (See Column 3, lines 7 through 12 of Urena '251). Contrary to the Examiner, the microcrystalline wax included in the solvent in the amount of about 5% to 15% by weight of Urena '251 does not correspond to a coating of a substantially liquid wax material, wherein the wax material includes about 7 to about 10 weight percent solids. The Examiner may not, because he/she doubts that the invention is patentable, resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in the factual basis. See In re Warner, 379.F. 2d 1011, 154 U.S.P.Q. 173 (C.C.P.A. 1967).

The claims of Hanson et al. '026 and the disclosure of Urena '251, if combinable, fail to teach or suggest the combination of a method for forming a mold-release coating system on a mold surface including the steps of providing a barrier coating of a substantially liquid wax material, wherein the wax material includes about 7 to about 10 weight percent solids, applying the wax material onto the mold surface, permitting wax material to substantially dry after application onto the mold surface, providing a release powder, and applying the release powder onto the barrier coating after the wax material has been permitted to substantially dry after application onto the mold surface as claimed by Applicant. Therefore, it is respectfully submitted that claim 11 is not subject to obviousness-type double patenting and is allowable over the rejection under the judicially created doctrine of obviousness-type double patenting.

As to the second argument, it is noted that, while Hanson et al. '495 claims providing a base coat of material on the mold surface having a surface which is capable of accepting and retaining a release powder, and depositing a release powder onto the coating of material to become embedded upon deposition forming a mold-release coating, Hanson et al. '495 does not claim a coating of a substantially liquid wax material, wherein the wax material includes about 7 to about 10 weight percent solids, permitting wax material to substantially dry after application onto a mold surface, and applying the release powder onto the barrier coating after the wax material has been permitted to substantially dry after application onto the mold surface. In addition, while Urena '251 teaches microcrystalline paraffin wax dispersed in a solvent, Urena '251 does not teach or suggest a coating of a substantially liquid wax material, wherein the wax material includes about 7 to about 10 weight percent solids, permitting wax material to substantially dry after application onto a mold surface, and applying the release powder onto the barrier coating after the wax material has been permitted to substantially dry after application onto the mold surface. In Urena '251, the melted paraffin wax is poured quickly into the solvent and therefore the wax is a liquid, not including 7 to about 10 weight percent

solids. (See Column 3, lines 7 through 12 of Urena '251). Contrary to the Examiner, the microcrystalline wax included in the solvent in the amount of about 5% to 15% by weight of Urena '251 does not correspond to a coating of a substantially liquid wax material, wherein the wax material includes about 7 to about 10 weight percent solids. The Examiner may not, because he/she doubts that the invention is patentable, resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in the factual basis. See In re Warner, 379 F. 2d 1011, 154 U.S.P.Q. 173 (C.C.P.A. 1967).

The claims of Hanson et al. '495 and the disclosure of Urena '251, if combinable, fail to teach or suggest the combination of a method for forming a mold-release coating system on a mold surface including the steps of providing a barrier coating of a substantially liquid wax material, wherein the wax material includes about 7 to about 10 weight percent solids, applying the wax material onto the mold surface, permitting wax material to substantially dry after application onto the mold surface, providing a release powder, and applying the release powder onto the barrier coating after the wax material has been permitted to substantially dry after application onto the mold surface as claimed by Applicant. Therefore, it is respectfully submitted that claim 11 is not subject to obviousness-type double patenting and is allowable over the rejection under the judicially created doctrine of obviousness-type double patenting.

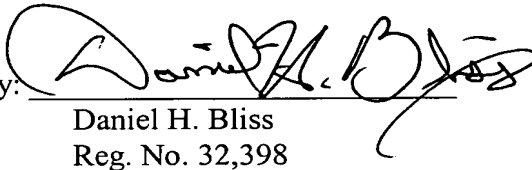
Claims Not Obvious or Unpatentable Under 35 U.S.C. § 103

As to the third argument, the Examiner argues that, since Urena teaches that the only essential ingredients of its composition are wax and solvent, the range of 5-15 wt % weight corresponds to 5-15 wt % wax solids. Once again, there is no factual basis that supports the Examiner's argument. First, the Examiner has not proffered any evidence establishing that the prior art terminology would be interpreted as teaching the claimed limitations. There is no evidence that the range of 5-15 wt % weight corresponds to 5-15 wt

% wax solids. In Urena '251, the melted paraffin wax is poured quickly into the solvent and therefore the wax is a liquid, not including solids. (See Column 3, lines 7 through 12 of Urena '251). Contrary to the Examiner, the microcrystalline wax included in the solvent in the amount of about 5% to 15% by weight of Urena '251 does not correspond to 5-15 wt % wax solids. Therefore, a coating of a substantially liquid wax material, wherein the wax material includes about 7 to about 10 weight percent solids is not taught or suggested by Urena '251. The Examiner's stated conclusion of obviousness is based on speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in the factual basis. The Examiner has not presented a prima facie case of obviousness. Therefore, it is respectfully submitted that the Examiner has misinterpreted the Urena '251 reference and the rejection under 35 U.S.C. § 103 is clearly wrong.

Accordingly, it is respectfully requested that the rejection of the pending claims be reversed and that the claims pending in the present application be allowed.

Respectfully submitted,

By: 
Daniel H. Bliss
Reg. No. 32,398

BLISS McGLYNN, P.C.
2075 W. Big Beaver Road
Suite 600
Troy, Michigan 48084
(248) 649-6090

Date: June 1, 2005
Attorney Docket No.: 1641.00005